

ADRIENNE C. PUBLICOVER (SBN 161432)  
MICHAEL K. BRISBIN (SBN 169495)  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN& DICKER LLP  
525 Market Street, 17<sup>th</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 433-0990  
Facsimile: (415) 434-1370

Attorneys for Plaintiff  
**AMERICAN GENERAL LIFE  
INSURANCE COMPANY**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

AMERICAN GENERAL LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

SHIRLEY DE CASTRO,

Defendant.

Case No. C07-02988 PVT

**THE PARTIES JOINT STIPULATION TO  
EXTEND THE TIME FOR DEFENDANT  
SHIRLEY DE CASTRO TO EXECUTE  
HER WAIVER OF SERVICE OF  
SUMMONS; PROPOSED ORDER**

Plaintiff AMERICAN GENERAL LIFE INSURANCE COMPANY  
("AGLIC") and defendant SHIRLEY DE CASTRO ("MS. DE CASTRO"), through  
their respective counsel of record, stipulate and apply to the United States District  
Court, Northern District, San Jose Division, for an Order of this Court extending the  
time for defendant MS. DE CASTRO to execute and return her Waiver of Service of  
Summons, up to and including, September 12, 2007.

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1           1.     On June 7, 2007 plaintiff AGLIC filed a lawsuit in the United States  
2     District Court, Northern District – San Jose Division, case number CV 07-02988  
3     PVT seeking Declaratory Relief.

4           2.     On July 12, 2007 plaintiff AGLIC served defendant MS. DE  
5     CASTRO'S counsel, Leslie Mark Gammill, of Kerwin, Kerwin & Gammill, with  
6     the filed Complaint, Summons, Notice of Interested Parties, Civil Cover Sheet and  
7     all other Court issued documents.

8           3.     On August 13, 2007 defendant MS. DE CASTRO, through her  
9     counsel, notified plaintiff AGLIC'S counsel that MS. DE CASTRO was in search  
10    of a new attorney who practiced in Federal Court as *Ms. Gammill* Kerwin, Kerwin & Gammill,  
11    does not ~~regularly~~ practice in this venue.

12           4.     On August 13, 2007 counsel for plaintiff AGLIC, Michael K. Brisbin,  
13     contacted counsel for MS. DE CASTRO and agreed to provide a 30 day extension  
14     for defendant DE CASTRO to find new counsel so the new counsel could accept  
15     service on behalf of defendant DE CASTRO rather than personally serving her.  
16     Said decision was also made to allow additional time to further review the file and  
17     potentially resolve this matter after selection of new counsel is completed.

18           5.     In accordance with the spirit of the Local Rules which envisions  
19     cooperation between Counsel, and assuming such an extension will not cause  
20     undue burden on this Court, Counsel for all parties agree to extend by thirty (30)  
21     days, the date for defendant MS. DE CASTRO to locate new counsel and then  
22     execute and return the Waiver of Service of Summons, up to and including  
23     September 12, 2007.

24           **IT IS SO STIPULATED.**

27  
Date: August 20, 2007

WILSON, ELSE, MOSKOWITZ, EDELMAN &  
DICKER LLP

By: 

Adrienne C. Publicover  
Michael K. Brisbin  
Attorneys for Plaintiff AMERICAN  
GENERAL LIFE INSURANCE  
COMPANY

Date: August 20, 2007

KERWIN, KERWIN & GAMMILL, LLP

By: 

Leslie Mark Gammill  
Attorney for Defendant  
SHIRLEY DE CASTRO

THE PARTIES JOINT STIPULATION TO EXTEND THE TIME FOR DEFENDANT SHIRLEY DE  
CASTRO TO EXECUTE HER WAIVER OF SERVICE OF SUMMONS  
USDC NDCA No. C07-02988 PVT  
295456.1

**ORDER**

In light of the foregoing stipulation of the Parties, and good cause appearing therefore, the Court hereby orders that the deadline for Defendant SHIRLEY DE CASTRO to execute and return her waiver of service of summons is extended for 30 days, up to and including September 12, 2007.

IT IS SO ORDERED.

Dated: August , 2007

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U.S. DISTRICT COURT JUDGE

**PROOF OF SERVICE**

I am a citizen of the United States, I am over the age of eighteen years not a party to the within cause; I am employed in the City and County of San Francisco, California and my business address is 525 Market Street, 17<sup>th</sup> Floor, San Francisco, California 94105.

On this date I served the following document(s):

**THE PARTIES JOINT STIPULATION TO EXTEND THE TIME FOR DEFENDANT SHIRLEY DE CASTRO TO EXECUTE HER WAIVER OF SERVICE OF SUMMONS; PROPOSED ORDER**

on the party(ies) identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

**XX: By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

**: By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

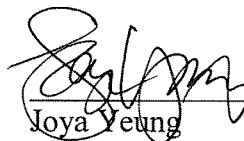
**: By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

**: Facsimile** -- (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)

Leslie Mark Gammill  
Patrick Kerwin  
Kerwin & Kerwin  
968 Woodside Road  
Redwood City, California 94061  
Tel: (650) 366-8060  
Fax: (650) 366-4214  
*Attorney for Defendant  
Shirley De Castro*

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct to the best of my knowledge.

EXECUTED August 27, 2007 at San Francisco, California.

  
Joya Yeung